

4/27/04



TRANSMITTAL LETTER
(General - Patent Pending)

Docket No.
01-014

In Re Application Of: JAY S. WALKER et al.

Serial No.	Filing Date	Examiner	Group Art Unit
09/852,239	May 9, 2001	BARRON JR., Gilberto	2132

Title:
**SYSTEMS AND METHODS TO FACILITATE GAMES OF SKILL FOR PRIZES PLAYED VIA A
COMMUNICATION NETWORK**

RECEIVED

TO THE COMMISSIONER FOR PATENTS:

MAY 17 2004

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**Petition Under 37 C.F.R.(a) (3) to Request Unintentionally Delayed Claim for Priority, 6 pp.; and
Return Receipt Postcard.**

in the above identified application.

- ☐ No additional fee is required.
- ☐ A check in the amount of _____ is attached.
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50-0271

Signature

Dated: May 12, 2004

Michael D. Downs
Attorney for Applicants
PTO Registration No. 50,252
Walker Digital, LLC
203.461.7292/phone
203.461.7300/fax

CUSTOMER NO. 22927

Mdowns@walkerdigital.com

CC:

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May 12, 2004 with the U.S. Postal Service as
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE #7

CUSTOMER NO. 22927

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MAY 17 2004

OFFICE OF PETITIONS

Applicants: Walker et al.
Application No.: 09/852,239
Filed: May 9, 2001
Title: SYSTEMS AND METHODS TO FACILITATE
GAMES OF SKILL FOR PRIZES PLAYED VIA A
COMMUNICATION NETWORK
Attorney Docket No.: 01-014
Group Art Unit: 2132
Examiner: BARRON JR, Gilberto

Mail Stop Petition
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

**PETITION UNDER 37 C.F.R. § 1.78(a)(3) TO REQUEST
UNINTENTIONALLY DELAYED CLAIM FOR PRIORITY**

Dear Sir:

Please consider the following petition under 37 C.F.R. § 1.78(a)(3) to claim
the benefit of a prior-filed co-pending nonprovisional application.

05/17/2004 AWONDAF1 00000023 500271 09852239

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**Claim for Priority to U.S. App. No. 09/298,226**

Applicants respectfully submit this petition to claim the benefit of a prior-filed co-pending nonprovisional application:

U.S. Patent Application No. 09/298,226, entitled "REMOTE-AUDITING OF COMPUTER GENERATED OUTCOMES, AUTHENTICATED BILLING AND ACCESS CONTROL, AND SOFTWARE METERING SYSTEM USING CRYPTOGRAPHIC AND OTHER PROTOCOLS" and filed on April 22, 1999, now abandoned.

Compliance with 37 C.F.R. 1.78(a)(3)

Applicants request to be permitted to claim the benefit of prior-filed co-pending nonprovisional applications under 37 C.F.R. 1.78(a)(3), the requirements of which have been met as outlined below.

Reference submitted

The reference required under 37 C.F.R. § 1.78(a)(2)(i) was previously submitted in the Amendment filed May 11, 2003. The priority claim in the Specification should now read as follows:

The present application is a continuation-in-part of U.S. Patent Application Serial No. 09/298,226, entitled "REMOTE-AUDITING OF COMPUTER GENERATED OUTCOMES, AUTHENTICATED BILLING AND ACCESS CONTROL, AND SOFTWARE METERING SYSTEM USING CRYPTOGRAPHIC AND OTHER PROTOCOLS" and filed on April 22, 1999, now abandoned; which is a continuation of U.S. Patent Application Serial No. 08/677,544, entitled "REMOTE-AUDITING OF COMPUTER GENERATED OUTCOMES, AUTHENTICATED BILLING AND ACCESS CONTROL, AND SOFTWARE METERING SYSTEM USING CRYPTOGRAPHIC AND OTHER PROTOCOLS" and filed on August 8, 1996, issued on October 19, 1999 as U.S. Patent No. 5,970,143; which is a continuation-in-part of U.S. Patent Application Serial No. 08/561,668, entitled "REMOTE AUDITING OF COMPUTER GENERATED OUTCOMES AND AUTHENTICATED BILLING AND ACCESS CONTROL SYSTEM USING CRYPTOGRAPHIC AND OTHER PROTOCOLS" and filed on November 22, 1995, issued on June 16, 1998 as U.S. Patent No. 5,768,382. The entire contents of these applications are incorporated herein by reference.

The present application (filed May 9, 2001) and the 09/298,226 application (filed April 22, 1999) were co-pending at the time the present application was filed.

In accordance with 37 C.F.R. § 1.78(a)(1), the 09/298,226 application names as an inventor at least one inventor (e.g., Jay Walker) named in the present (later-filed nonprovisional) application. The 09/298,226 application also discloses the

named inventor's invention claimed in at least one claim of the present (later-filed nonprovisional) application in the manner provided by the first paragraph of 35 U.S.C. § 112.

U.S. Patent Application 09/298,226 claims priority to the 09/677,544 and 08/561,668 applications cited in the previous priority claim and incorporated by reference.

The Amendment mailed on May 11, 2004, also removed any other claims to priority. Upon entry of the Amendment, the present application will claim priority only to U.S. Patent Application No. 09/298,226 (and its parent applications), as indicated above.

Surcharge

Applicants hereby authorize the fee set forth in § 1.17(t).

Please charge the petition fee of \$1330.00 to our Deposit Account No. 50-0271. Furthermore, please charge any additional fees that may be required for this Petition, or credit any overpayment to Deposit Account No. 50-0271.

Statement that Entire Delay Was Unintentional

The entire delay between the date the claim was due under 37 C.F.R. 1.78 paragraph (a)(2)(ii) and the date the claim is being made herein was unintentional.

Applicants filed the present patent application on May 9, 2001 and unintentionally did not claim priority to nonprovisional U.S. Patent Application No. 09/298,226, which was filed prior and was co-pending.

During a review of the file, Applicants noticed an error in the claims of priority on pages 1-2 of the present application. Applicants intended to claim priority to U.S. Patent Application No. 09/298,226, filed on April 22, 1999, which

was pending at the time of filing of the present application. Applicants mistakenly identified only the parent and grandparent of the 09/298,226 application: U.S. Patent Application Nos. 08/677,544 and 08/561,668, respectively. The contents of the 08/677,544 and 08/561,668 applications were incorporated properly by reference in the present application.

It was inadvertent and unintentional error to claim priority only to the parent and grandparent applications of the 09/298,226 application, and the resulting delay in claiming priority to then-pending Application No. 09/298,226 was clearly unintentional.

Conclusion

Applicants hereby petition to be permitted to claim the benefit of prior-filed co-pending nonprovisional application 09/298,226, which is a continuation of U.S. Patent Application Serial No. 08/677,544, which is a continuation-in-part of U.S. Patent Application Serial No. 08/561,668.


If an extension of time is required please grant a petition for that extension of time which is required to make this Response timely, and please charge any fee for such extension to Deposit Account No. 50-0271.

A duplicate copy of this authorization is enclosed for such purposes.

If the Examiner has any questions regarding this amendment or the present application, the Examiner is cordially requested to contact Michael Downs at telephone number (203) 461-7292 or via electronic mail at mdowns@walkerdigital.com.

Respectfully submitted,

May 12, 2004
Date



Michael Downs
Attorney for Applicants
Registration No. 50,252
mdowns@walkerdigital.com
(203) 461-7292 /voice
(203) 461-7300 /fax